

## Message Text

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ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-03 H-01 INR-05 L-02

NSAE-00 NSC-05 PA-01 RSC-01 PRS-01 SP-02 SS-15

USIA-06 OMB-01 IO-10 AID-05 EB-07 OES-03 FEA-01 INT-05

/085 W

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R 111300Z DEC 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 5647

INFO AMEMBASSY DACCA

AMEMBASSY KABUL

AMEMBASSY KATHMANDU

AMCONSUL BOMBAY

CALCUTTA 3887

AMCONSUL KARACHI

AMCONSUL LAHORE

AMCONSUL MADRAS

LIMITED OFFICIAL USE NEW DELHI 16524

E.O. 11652: N/A

TAGS: PFOR, IN, PK

SUBJECT: INDUS WATERS -- PAKISTANI PROTEST ON SALAL DAM

REF: ISLAMABAD 11393 AND 9547

SUMMARY: INDIA MAINTAINS THAT THE SALAL DAM ON THE CHENAB RIVER CONFORMS TO THE SPECIFICATIONS OF THE INDUS-WATERS TREATY FOR "RUN-OF-THE-RIVER" HYDROELECTRIC INSTALLATIONS. INDIAN OFFICIALS SAY THAT THEY ARE NOT SURE ABOUT THE DETAILS OF PAKISTAN'S COMPLAINT, BUT THEY BELIEVE PAKISTAN MAY WORRY ABOUT THE CAPABILITY THE DAM WOULD GIVE INDIA TO FLOOD AREAS DOWNSTREAM IN PAKISTAN. THE TREATY PROVIDES ADEQUATE MEANS TO RESOLVE ANY DISPUTE. END SUMMARY.

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1. INDIA IS CONSTRUCTING A HYDROELECTRIC DAM ON THE CHENAB

RIVER IN JAMMU. IT NOTIFIED PAKISTAN OF PLANS FOR THE DAM IN 1970 AND PAKISTAN ENTERED WHAT INDIA SEES AS A PRO-FORMA OBJECTION. THE EARTHWORKS FOR THE DAM ARE ABOUT COMPLETE, BUT NO CONCRETE HAS BEEN POURED.

2. INDIAN FOREIGN MINISTRY OFFICIALS SAY THAT THE DAM CONFORMS WITH THE REQUIREMENTS OF THE INDUS WATERS TREATY OF 1960 WHICH, AMONG OTHER THINGS, SOUGHT TO PROTECT PAKISTAN'S INTERESTS AS THE LOWER RIPARIAN AND MAJOR USER OF THE WATERS OF THE THREE WESTERN RIVERS, INCLUDING THE CHENAB. ANNEX D OF THE TREATY GIVES DETAILED SPECIFICATIONS FOR "RUN-OF-THE-RIVER" HYDROELECTRIC INSTALLATIONS, AS WE READ THAT ANNEX, IT PERMITS INDIA TO CONSTRUCT SUCH A DAM ON THE CHENAB AS LONG AS IT PUTS OUT AS MUCH WATER AS FLOWS INTO THE DAM ONCE DEAD STORAGE IS FILLED. INDIAN FOREIGN MINISTRY OFFICIALS CLAIM THEY DO NOT KNOW THE DETAILS OF THE PAKISTANI OBJECTION. THEY NOTE, HOWEVER, THAT DURING NEGOTIATIONS OF THE TREATY PAKISTAN WAS CONCERNED THAT INDIAN DAMS WOULD GIVE THE GOI THE CAPABILITY TO FLOOD PORTIONS OF PAKISTAN IN TIME OF CONFLICT. THEY BELIEVE THAT THIS MAY LIE AT THE HEART OF THE PAKISTANI OBJECTION TO THE SALAL DAM. THIS CONTRASTS TO THE STATED PAKISTANI OBJECTION (REFTELS) THAT THE DAM WILL GIVE INDIA A CAPABILITY TO DENY WATER TO PAKISTAN. THE TREATY AS WE UNDERSTAND IT WOULD EFFECTIVELY PREVENT CREATION OF THE LATTER TYPE OF CAPABILITY.

3. THE INDIAN AND PAKISTANI MEMBERS OF THE INDUS BASIN COMMISSION HAVE ALREADY VISITED THE DAM SITE AND WILL DISCUSS THE PROJECT FURTHER AT THEIR MEETING NEXT WEEK IN ISLAMABAD. THE TREATY PROVIDES FOR DISPUTE SETTLEMENT PROCEDURES IF THEY ARE UNABLE TO AGREE -- APPOINTMENT OF A NEUTRAL EXPERT AND, ULTIMATELY, ESTABLISHMENT OF A COURT OF ARBITRATION. INDIAN OFFICIALS RECOGNIZE THAT THE DAM COULD BECOME A MAJOR ISSUE BETWEEN THE TWO COUNTRIES BUT THEY SAY THAT MORE DOCUMENTATION TO DEFINE THE DIFFERENCE IS NECESSARY BEFORE A NEUTRAL EXPERT CAN BE CALLED IN. GIVEN INDIA'S POLICY OF TRYING TO AVOID THIRD-PARTY INVOLVEMENT IN DISPUTES WITH PAKISTAN, THE GOI WILL PROBABLY DO ITS BEST TO SETTLE BILATERALLY AT THE LEVEL OF THE COMMISSIONERS OR THROUGH GOVERNMENT-TO-GOVERNMENT NEGOTIATIONS INSTEAD OF THROUGH A LIMITED OFFICIAL USE

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NEUTRAL EXPERT OR ARBITRATION.  
SCHNEIDER

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** TREATY VIOLATION, CONSTRUCTION, DAMS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 11 DEC 1974  
**Decaption Date:** 01 JAN 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** boyleja  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1974NEWDE16524  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D740360-0214  
**From:** NEW DELHI  
**Handling Restrictions:** n/a  
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**Line Count:** 109  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ACTION NEA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 74 ISLAMABAD 11393, 74 AND 9547  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** boyleja  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 13 AUG 2002  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <13-Aug-2002 by boyleja>; APPROVED <18 MAR 2003 by boyleja>  
**Review Markings:**

Declassified/Released  
US Department of State  
EO Systematic Review  
30 JUN 2005

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** INDUS WATERS -- PAKISTANI PROTEST ON SALAL DAM  
**TAGS:** PFOR, IN, PK  
**To:** STATE  
**Type:** TE  
**Markings:** Declassified/Released US Department of State EO Systematic Review 30 JUN 2005